

REMARKS

This Amendment is fully responsive to the non-final Office Action dated April 29, 2010, issued in connection with the above-identified application. Claims 1-24 are pending in the present application. With this Amendment, claims 1-7, 9, 11-14, 16 and 18-24 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

The Applicants have amended the specification and the abstract in order to place the present application in better form for U.S. patent practice. The amendments to the specification and the abstract are editorial in nature. No new matter has been introduced by the amendments made to the specification and the abstract.

In the Office Action, claims 1-21, 23 and 24 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

With regard to claims 1 and 24, the Examiner alleges that the claims recite different “units,” which are essentially software without any structure and therefore the claims are non-statutory. With regard to claim 23, the Examiner alleges that the claim recites a program without being recorded on a computer-readable recording medium, which is interpreted as software *per se* and is non-statutory. Claims 2-21 are rejected based on their dependencies from independent claim 1.

The Applicants have amended independent claims 1 and 24 to add additional structure such that the claims are now clearly directed to a machine or a manufacture within the meaning of 35 U.S.C. 101. Specifically, independent claims 1 and 24 have been amended to recite “a memory, the memory being a non-transitory computer-readable recording medium.”

Additionally, the Applicants have amended claim 23 to point out that the program recited in the claim is stored on “a non-transitory computer-readable recording medium.” Withdrawal of the rejection to claims 1-21, 23 and 24 under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 1, 22, 23 and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over LeComte (International Application No. WO 2004/032478 also published in English as U.S. Publication No. 2005/0193409, hereafter “LeComte 1”) in view of LeComte (International Application No. WO 2004/032418 also published in English as U.S. Publication No. 2005/0185793, hereafter “LeComte 2”).

The Applicants assert that the cited prior art fails to disclose or suggest all the features recited in independent claims 1 and 22-24. However, to expedite prosecution of the present application, the Applicants have amended independent claim 1 and 22-24 to more clearly distinguish the present invention from the cited prior art. Independent claim 1 (as amended) recites *inter alia* the following features:

“write a second content data that is reproducible into a second recording medium that is different from a first recording medium, the second content data being obtained by re-coding a first content data recorded in the first recording medium,

write a first partial information extracted from the first content data into the second recording medium,

generate a first invalidated partial content corresponding to the extracted first partial information, and

insert the first invalidated partial content into the first content data thereby making the first content data irreproducible”, and

“a content data restoration unit operable to make the first content data recorded in the first recording medium reproducible using the first partial information recorded in the second recording medium.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 22-24. That is, independent claim 22 recites a method and independent claim 23 recites a program, and both claims include steps directed to the feature emphasized above in independent claim 1. Independent claim 24 recites a semiconductor that includes the same features emphasized above in independent claim 1.

Additionally, the features emphasized above in independent claim 1 (and similarly recited in independent claims 22-24) are fully supported by the Applicants’ disclosure (see e.g., ¶[0038]-¶[0041], ¶[0078]-¶[0082]; and Figs. 1-3).

In the Office Action, the Examiner relies on LeComte 1 and LeComte 2 for disclosing or suggesting all the features recited in independent claims 1 and 22-24. In particular, the Examiner appears to rely on ¶[0045]-¶[0046] of LeComte 1 and ¶[0040] of LeComte 2.

LeComte 1 in ¶[0045] discloses that a data stream passes through a scrambling system that will generate a modified stream in MPEG-2 format, identical to the input stream except for certain coefficients having been replaced by values different from the original. Additionally,

complementary information containing information related to the data of the images that have been modified, replaced, substituted or displaced, and their value or location in the original stream is stored in a server.

LeComte 1 in ¶[0046] discloses that when the viewer makes a request to view a video present on a hard disk, one of two operations will occur: 1) the MPEG-2 stream generated by the scrambling system present on the hard disk is passed to the synthesis system, which does not modify the scrambled MPEG-2 stream; or 2) the synthesis system issues a view request to the server containing the necessary information for restoration of the original video, and the server sends the complementary information to the synthesis system allowing the restoration of the video.

LeComte 2 in [0040] discloses that modification information includes at least two digital sub-parts that can be distributed using different media or the same media.

The Applicants assert that LeComte 1 and LeComte 2 fail to disclose or suggest all the features recited in independent claims 1 and 22-24 (as amended) for at least the reasons noted below. Please note that the Applicants refer to the most relevant portions of LeComte 1 and LeComte 2 in supporting the above assertion.

First, independent claims 1 and 22-24 similarly recite the feature of *writing a first partial information extracted from the first content data into the second recording medium*. Conversely, as disclosed in ¶[0045]-[0046] of LeComte 1, the complementary information (i.e., equivalent to the first partial information) stored in the server is merely “related” to the modified data of the MPEG-2 stream. Nothing in ¶[0045]-¶[0046] of LeComte 1 discloses that the complementary information is extracted from a first content in the data stream, as in independent claims 1 and 22-24.

Second, independent claims 1 and 22-24 similarly recite the feature of *generating a first invalidated partial content corresponding to the extracted first partial information*.

LeComte 1 in ¶[0045]-¶[0046] discloses generating a “modified stream” in MPEG-2 format that includes “certain coefficients having been replaced by values different from the original.” As described in LeComte 1, the “modified stream” is identical to the input stream except for the replaced values.

In the present invention (as recited in independent claims 1 and 22-24) first invalidated partial content is generated, which corresponds to the extracted first partial information and, as

noted above, the first partial information is extracted from the first content data. LeComte 1 fails to disclose or suggest the generation of an invalidated partial content, let alone generation of an invalidated partial content that corresponds to the extracted first partial information, as in independent claims 1 and 22-24.

Third, independent claims 1 and 22-24 similarly recite the features of *inserting the first invalidated partial content into the first content data thereby making the first content data irreproducible*, and subsequently *making the first content data recorded in the first recording medium reproducible using the first partial information recorded in the second recording medium*.

LeComte 1 in ¶[0045]-¶[0046] discloses that the original data stream is made irreproducible by generating a “modified stream” in MPEG-2 format that includes “certain coefficients having been replaced by values different from the original.”

As noted above, LeComte 1 fails to disclose or suggest the generation of “invalidated partial content,” as in independent claims 1 and 22-24. Therefore, it logically follows that LeComte 1 cannot disclose or suggest *inserting the first invalidated partial content into the first content data thereby making the first content data irreproducible*, as in independent claims 1 and 22-24.

Moreover, LeComte 1 in ¶[0045]-¶[0046] discloses that the “modified stream” is made reproducible or viewable by using the complementary information. Specifically, the server sends the complementary information allowing the restoration of the video to the synthesis system, which proceeds with the restoration of the modified data using the complementary information.

In the present invention (as recited in independent claims 1 and 22-24), the first content data recorded in the first recording medium is made reproducible *using the first partial information recorded in the second recording medium*.

As disclosed in LeComte 1, the complementary information (i.e., equivalent to the first partial information) stored in the server is merely “related” to the modified data of the MPEG-2 stream. Nothing in LeComte 1 discloses that the complementary information is extracted from a first content in the original data stream, as in independent claims 1 and 22-24. Thus, the restoration of the video disclosed in LeComte 1 appears to be completely different from using a first partial information (i.e., extracted for the first content data) recorded in the second recording medium to make the first content data reproducible, as in independent claims 1 and 22-24.

Based on the above discussion, LeComte 1 fails to disclose or suggest all the features of independent claims 1 and 22-24. Additionally, given that ¶[0040] LeComte 2 only discloses the use of modification information that includes digital sub-parts that can be distributed using different media or the same media, independent claims 1 and 22-24 are clearly distinguished from the combination of LeComte 1 and LeComte 2.

Accordingly, no combination of LeComte 1 and LeComte 2 would result in, or otherwise render obvious, independent claims 1 and 22-24. Likewise, no combination of LeComte 1 and LeComte 2 would result in, or otherwise render obvious, claims 2-21 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. Additionally, the Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues in the present application.

Respectfully submitted,

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